

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL FIERRO,

Plaintiff,

v.

Civ. No. 24-1056 KWR/GBW

FNU LNU,

Defendant.

ORDER TO CURE DEFICIENCY AND ORDER DENYING
MOTION TO APPOINT COUNSEL

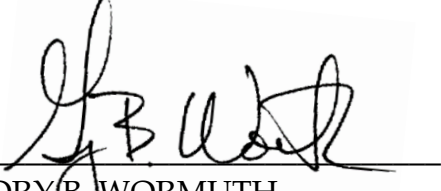
THIS MATTER is before the Court on Plaintiff's Letter-Complaint for Violation of Civil Rights ("Letter-Complaint"), *doc. 1*, Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) ("Application"), *doc. 3*, and Plaintiff's Motion for Appointment of Counsel, *doc. 4*. Plaintiff is incarcerated and proceeding *pro se*. The Letter-Complaint appears on the form civil rights pleading, but the first seven pages of the form are missing. *See doc. 1*. The Letter-Complaint therefore does not clearly identify the Defendants or the causes of action. *See id.* The Clerk's Office sent Plaintiff another blank civil rights pleading, but he did not return the completed form. Within thirty (30) days of entry of this Order, Plaintiff must file an amended complaint. If he declines to use the form civil rights pleading, the amended complaint must clearly identify the Defendants, causes of action, and factual allegations

at issue in this case. By the same deadline, Plaintiff must also supplement his Application with an inmate account statement reflecting transactions for a six-month period. *See* 28 U.S.C. § 1915(a)(2). All filings should include the case number (No. 24-cv-1056-KWR-GBW) and be labeled as legal mail. The failure to timely comply with each directive in this Order may result in dismissal of this case without further notice.

As to the Motion for Appointment of Counsel, “[c]ourts are not authorized to” grant such relief in civil cases. *Rachel v. Troutt*, 820 F.3d 390, 396-97 (10th Cir. 2016). “[I]nstead, courts can only ‘request’ an attorney to take the case” on a *pro bono* basis. *Id.* This decision is a matter of discretion. *Toeys v. Reid*, 685 F.3d 903, 916 (10th Cir. 2012). Relevant factors include “the merits of the claims, the nature of the claims, [the inmate’s] ability to present the claims, and the complexity of the issues.” *Rachel*, 820 F.3d at 397. Considering these factors, and because Plaintiff has not yet complied with the procedural requirements in this case, the Court will not ask a local attorney to handle this case on a *pro bono* basis. The Motion for Appointment of Counsel (*doc.* 4) will be denied without prejudice as premature.

IT IS THEREFORE ORDERED that **within thirty (30) days of the issuance of this Order**, Plaintiff must: (1) file an amended complaint, as set forth above; and (2) file an inmate account statement reflecting transactions for a six-month period.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel
(*doc. 4*) is DENIED WITHOUT PREJUDICE



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE